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Impact of the “Nirbhaya” Rape Case: Isolated Phenomenon or Social Change?

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Abstract

In December 2012, a twenty-three year old college student, who was given the pseudonym “Nirbhaya” (“fearless”), was fatally gang-raped on a private bus in Delhi, India, galvanizing the country to swiftly adopt new legislative measures and catapulting the issue of violence against women in India into the international spotlight. Although assault and rape cases have made India infamous for its high volume of crimes against women, the reaction to this particular incident was much different from before. This paper investigates whether the governmental and societal responses represent social change, as indicated by changing attitudes towards violence against women in India. I study this question by analyzing scholarly literature regarding the factors that affect collective attitudes towards violence against women. In addition, this paper examines collective attitudinal change in the nation as indicated by media coverage of rape cases, crime statistic reports, influence of women’s movements, impact of legislation, and public opinion polls. I find that despite an immediate backlash against the epidemic of sexual violence, the response has not contributed to a complete transformation in attitudes towards violence against women based on the indicators studied above.

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Finally, I would like to thank you, the reader, for taking the time to read about my research on an human rights crisis which is not only endemic to India, but which affects virtually every country in the world. I hope you learn as much about the Nirbhaya case and the issue of violence against women as I have during the research process. I can only wish that one day, such a problem will be a matter of concern no more.

Introduction

Rape and the issue of violence against women in general have been endemic to Indian society, with high profile cases capturing national and international attention for brief bouts of time before dying down and becoming part of commonplace history. This is an ironic phenomenon, considering the majority of the population religiously worships female goddesses who represent courage, prosperity, and power. Currently, it is estimated that ninety-three women are being raped in India every day (Philip 2014). The National Crime Records Bureau (NCRB) in India has reported data about rape cases since 1971. From 1971 to 2011, the number of reported cases increased from 2,487 to 24,206 (National Crime Records Bureau 2013). First Information Reports (FIRs) filed for rape in 2012 showed an increase of 3% from the previous year. In 2012, 24,923 cases were reported, of which only 15% went to trial and only 2% led to conviction. Although such statistics are published, the actual number of rapes is far from being recorded, since the unreported figure is extremely high. The general consensus is that the “current levels of violence reported through national and local law enforcement record represent a minimum of actual violence against women cases” (Kaur 2014). Hence, the issue of violence against women, and more specifically, rape, is far more ubiquitous than it appears.

In 2012, a case of rape occurred that made international headlines and stirred an unprecedented uprising in Indian society. At around 8:30pm on December 16, 2012 a twenty-three year old female college student named Jyoti Singh, i.e. Nirbhaya,¹ and her friend were waiting for a public bus in South Delhi after attending a viewing of *Life of Pi*. A bus with tinted windows eventually stopped, whereupon a young boy persuaded the pair to board the bus with

¹ Nirbhaya, meaning “fearless,” was the pseudonym given to Pandey by the media and public before her father revealed her true identity because India’s rape laws protect the identity of the victim. This particular name was chosen due to the victim’s background and willingness to live; the public also gave her the titles of “Damini” (“lightning”), “Amanat” (“treasure”), and others.

the promise of transportation home. At that fateful moment, Nirbhaya was violently assaulted and raped by six men; these perpetrators were Ram Singh, the main accused bus driver (age 35); his brother, Mukesh Singh (age 29); Vinay Sharma, an assistant gym instructor (age 18); Pawan Gupta, a fruit seller (age 19); Akshay Thakur, unemployed (age 28), and Mohammed Afroz, a juvenile at the time of the crime who was called “Raju” for anonymity (age 17). In an attempt to defend Nirbhaya, her male companion was severely beaten up by the assailants, as well.

Three hours later, a Police Control Room (PCR) van picked up Nirbhaya’s naked body and her injured friend lying under a flyover, and immediately rushed them to a hospital. While Nirbhaya and her friend were in the hospital, three of the accused, including the principal suspect Ram Singh, were arrested on December 17th. On the 18th, a fourth arrest was made. It took three more days to arrest the juvenile and the final perpetrator, on December 21st.

It became known that the boy who had persuaded Nirbhaya to enter the bus was the one who suggested to the others that they throw her and her friend’s naked bodies onto the street and run them over. The male friend was given treatment and Nirbhaya underwent emergency surgery after not only getting raped, but also having her intestines pulled out of her body. She was put on a ventilator and was labeled as being in critical, but stable, condition. However, her health drastically worsened; Nirbhaya suffered from internal bleeding and cardiac arrest, thus prompting her transportation to Mount Elizabeth Hospital in Singapore on December 26th. Physicians confirmed further internal bleeding and multiple-organ failure. Finally, in the early hours of December 29th, Nirbhaya was pronounced dead as a result of multiple-organ failure (Talwar 2013, 27-30).² Would her death and suffering go in vain? Based on the immediate response, there seemed to be a hope and will to change the violent culture in India and bring the

² See Appendix A for a full chronology of the incident and immediate aftermath.

issue of crimes against women in India to the forefront of national political and social agendas, but the long-term effects appear to be less apparent.

Immediately after news of the gang rape spread, protests erupted in Delhi and all over the country. The public in Delhi was so ignited by the tragedy that police resorted to tear gas to control the crowds. In the initial weeks, “Hang the rapists” was the vociferous cry of the Indian media. Nothing less than capital punishment would assuage the collective horror and anger of the populace. The incident became a global phenomenon within a matter of days; in the United States, media coverage of this case surpassed that of a domestic rape case that occurred at Steubenville High School in Ohio earlier that year. In fact, “Over 1,515 articles appeared in the United States alone within the two-month period following the incident” (Rowchowdhury 2013). Celebrities were compelled to take to their Facebook and Twitter accounts to voice their condemnation of the attack, and started campaigns to end crimes against women on their own.

In the political sphere, two Commissions of Inquiry, the Justice Verma Committee and the Usha Mehra Committee, were constituted as a direct consequence of the rape and subsequent outrage about the incident, their purpose being to seek public opinion as to how the then-current anti-rape laws should be amended. The Criminal Law (Amendment) Act 2013 was passed as a result of the Verma Committee Report three months after the rape. This act encompasses over a dozen amendments in different laws, including the Indian Penal Code, the Code of Criminal Procedure, and the Indian Evidence Act. Moreover, the government launched the Nirbhaya Fund project designed to ensure the safety of women using public transportation by setting up emergency buttons, GPS technology, and CCTVs in major cities across the country.

Clearly, the response to this Delhi gang rape case was rare and unprecedented. Perhaps there was a buildup of social tension that finally exploded when this rape happened. Perhaps it

was the sheer brutality of the event, but there were cases before and even shortly thereafter that were equally appalling. For example, there was, in the following year, the horrific abduction and gang rape of a five-year-old named Gudiya, who was kidnapped from a residential area in Delhi, kept in a room for two days, and then raped repeatedly by two men. Similar to Nirbhaya's case, foreign objects were inserted into her body, producing infection; "surgeons took out three pieces of candles and a 200 ml plastic hair-oil bottle from inside her" (Talwar 2013, 70). Yet, with the exception of a single protest, this story faded away in the media within a few weeks after the incident occurred.

While it is terribly tragic that this disturbing event did not receive as much media coverage, it may be due to the fact that in the Nirbhaya case, the victim left behind a diary called "The Story of My Life" in which she chronicled her dreams and ambitions and embodied the ideals of the modern-day Indian woman (Talwar 2013, 26). She mentioned some of the normal aspirations she had, typical of those of a young woman in an increasingly modernized India: the wish to own a Samsung smartphone and a fancy car when she earned and saved up enough money. It was as if she, a physiotherapist in training who was trying to break away from her economically depressed background, was a reflection of the entire younger generation, and this truly resonated with the people.

As aforementioned, similar cases have occurred in the past and even after the Nirbhaya case that have simply blurred into history but the amplified reaction to December 16, 2012 is indeed an outlier that needs to be reviewed. The gang rape in Delhi, India seemed to stop the country in its tracks and became a dire signal for attention to the epidemic of crime against women in India. The overwhelming response to this particular case was quite obvious and unprecedented (Nigam 2014; Rowchowdhury 2013; Drache & Velagic 2013; Talwar 2013).

This paper investigates whether the passion and action exhibited by the Indian public (including the media), as well as the federal government, is a true reflection of social change, as indicated by changing attitudes towards women in India. What exactly is social change? According to Bicchieri and Mercier (2014), social change occurs through the establishment of a new positive norm. The common features of norm creation/change are: collective change of factual beliefs and attitudes, collective decision to enact change, realization of a social dilemma, and coordinated action. The first step is to ensure actors recognize there are problems with the status quo through the use of legislative interventions and media campaigns (Bicchieri & Mercier 2014). Consequently, based on the immediate reaction to the Delhi rape case, it is possible that the apparent shift in attitudes may have led to social change.

Despite the various responses to the case and the sheer brutality of the violence, it is apparent there needs to be some other factor to create social change, this being the cultivation of a more positive attitude towards women. After describing the facts of the case, I address the theories behind factors that influence violence against women and social and attitudinal change in the literature review. The research design explains how I determine whether collective attitudinal change has happened by looking at various aspects of society that contribute to the general social atmosphere. These include newspaper coverage of women involved in rape cases before and after the Nirbhaya tragedy, enforcement of the Criminal Amendment of 2013 and other laws, actions of women's movements, and public opinion polls. Next, using the constructs of social change and attitudes towards women described above, I explain how the data I have collected allow me to assess whether responses by various actors in society have contributed to collective attitudinal change, and if so, to what degree. Finally, I conclude that while an overwhelming response to the gang rape seemed to signify that India was moving towards social

progress, a comparative data analysis of crime statistics, implementation of the legal reform, and newspaper rape coverage demonstrates that the case was not just another random phenomenon, but it was not exactly a harbinger of overhauling social change, either.

Literature Review

An important strand of the literature on social change emphasizes the role of collective attitude change and the replacement of norms. According to Bicchieri & Mercier (2014), a collective change of factual beliefs and attitudes is a key to creating a new norm. Because social norms are supported by shared normative beliefs, belief change has to be a collective effort: “For those interested in the removal of a negative norm, or the establishment of a new, positive norm, the issue of collective belief change thus becomes of paramount importance” (Bicchieri and Mercier 2014). This can occur very slowly, as more and more people gradually begin to adopt a new norm until a tipping point is reached where the minority, or less accepted, view becomes the majority. A new norm can also be favored by the development of normative expectations, potentially accompanied by sanctions for norm violators.

Simply put, an attitude is a collection of thoughts regarding another thought, person, or idea (Bohner & Dickel 2011). “Among the oldest reasons why attitudes are so prominent in social psychology is the conviction that attitudes guide information processing and influence behavior,” and the behavior in question here is the violence committed against women. These researchers suggest that when individual attitudes turn into collective public opinion, the attitudes determine the social, political, and cultural climate of a society. Hence, if the social and cultural climate encourages a negative view and reaction to violence against women, this notion suggests it is the reflection of the prevailing attitude in society. As aforementioned, Bicchieri and

Mercier added that collective belief change is crucial for the removal of a negative norm and replacing it with a new, positive norm.

There is much scholarship on the relationship of attitudes toward women and violence against them. Flood (2008), Heise (1998) and Salazar (2005) all argue that there is a concrete relationship between traditional gender-role attitudes and acceptance of violence against women. When there is a recognition of gender-specific violence or violence against women, there is usually a tolerance of violence in the community overall. Thus while individual attitudes can change, to achieve widespread change in the attitudes of individuals, it is more important to change community customs on a larger scale (Flood 2008; Heise 1998; Salazar 2005).

Consistent evidence exists of an association between violence-supportive beliefs and values and the perpetration of violent behavior, at both individual and community levels. For example, men with more traditional, rigid, and misogynistic gender-role attitudes are more likely to practice marital violence (Heise 1998; O'Neil & Harway 1997). Boys and young men who endorse more rape-supportive beliefs are also more likely to have been sexually coercive (Anderson, Simpson-Taylor, & Hermann 2004). The most coherent predictor of attitudes supporting the use of violence against women is attitudes toward gender roles, or beliefs about appropriate roles for men and women (Berkel, Vandiver, & Bahner 2004; Good et al. 1995; Simonson & Subich 1999). Flood & Pease (2009) review other societal factors that affect one's attitudes towards violence against women including mass media, social movements, and criminal justice policies and legal reforms; these are the major categories in which I have compiled data for my analysis.

In a comparison of India's attitudes towards violence against women with that of other countries (the United States, Japan, and Kuwait), it is apparent there are differences in attitudes

towards women between men and women, reflecting the established views towards each gender and gender roles on an international scale. For example, Nayak, Bryne, Martin & Abraham (2003) write that both men and women from India, in their respective gender categories, had the second-least positive attitudes towards sexual assault victims, with Kuwait having the most negative views in the study population. This implies that both males and females did not feel as sympathetic towards sexual assault victims as participants in the US and Japan did, and even engaged in victim blaming. Indian men in the study tended to have the most negative beliefs consistent with more restrictive norms for women in the country, meaning that their views towards violence against women reflects the established repressive, subordinate status women have compared to men in India (Nayak, Bryne, Martin & Abraham 2003).

There is a large canon of literature about violence against women in India, but most of it focuses on domestic violence as a general phenomenon. Nevertheless, the reasons for why domestic violence is widely committed can help us comprehend the rape culture of India. Mitra (2000) and Ahmed-Ghosh (2004) suggest that women in India live in a male-dominated society subjugated by heteronormative (following established gender roles), patriarchal ideals. Women have consistently been denied economic, political, and social resources in India, as has been the case with most other “third world,” or less developed, countries. Additionally, the rigid social constructs of caste, religion, traditional family structures, and corrupt, nondemocratic political practices have contributed to the proliferation of domestic violence in society (Mitra 2000; Ahmed-Ghosh 2004; Dalal & Lindqvist 2012; Sharma & Gupta 2004). Thus, in a society that is so immune to domestic violence practices and irreverent of respecting women in the home, it is no surprise that the issue of violence against women has spread to a more public, societal level.

Domestic violence is not a crisis unique to India, nor is it a recent occurrence there. What is unusual and problematic in India is the society's lack of recognition of it as a serious issue and failure to address it. The courage of women, not only those in organized groups, to face up to domestic violence despite the adverse consequences that speaking out in public could have on their lives is a practice that has just recently picked up momentum in the public sphere (Ahmed-Ghosh 2004). "With the backdrop of the patriarchal social structure, the tradition of familial piety, and the asymmetrical gender expectations in India, this defiant movement to expose domestic violence has created the space for a national debate on the issue" (Dalal & Lindqvist 2012).

The issue of rape as a subcategory of violence against women has been investigated but to a lesser degree than domestic violence. Many social scientists have discussed why rape is so prevalent in Indian society, and many of the explanations are similar to those attributed to domestic violence, but with more nuanced details. Anand Soondas, in his *Times of India* blog, "Why Indian Men Rape," writes, "The truth is that at the root of it all lies a culture built around hierarchies, of gender, faith, colour [sic], caste, region. We are, quite simply, not used to people being equal" (Soondas 2012). Rape is said to be so readily committed due to weak political structures, including the narrow focus of the legal definition of rape (prior to the reforms after the Nirbhaya case), the insufficiency of the crime penalties, low conviction rates as seen with the 2012 rates, and the lag time between the sentencing and its implementation (Baxi 2012; Narrain 2013; Simon-Kumar 2014).

Despite increased economic and social equity towards women over the past few decades, some scholars maintain that there is something inherent to Indian culture that results in the submissiveness of women to men. This prohibits a rapid shift in attitudes towards violence

against women after a tragic event such as this rape incident (Rao 2014; Nayak, Bryne, Martin & Abraham 2003; Roychowdhury 2013). One reason often given for this is that men, especially in India, the nation with the largest film industry in the world, are aggravated by the promotion of sexualized images of women in films and on television, and are desensitized to women's pain, especially during depictions of rape on screen (Shah 2013). They are the product of, and protected by, establishments such as the aforementioned traditional patriarchal system (Narayan 2013; Sengupta 2013). Consequently, social mores and traditions have created an environment that nurtures rape and victims in general; it is at this societal level where change needs to occur to hinder the promulgation of violence against women.

The governmental response to the Delhi rape case seemed to be an appropriate message to suggest that violence against women would no longer be tolerated. However, since the Nirbhaya incident there have been multiple analyses of the legal response. Bhattacharyya (2013), Shastri (2013), Dube (2014), and Sharma, Unnikrishnan, & Sharma (2014) all indicate that there are numerous shortcomings of the Criminal Amendment Act passed after the Nirbhaya incident that do not address the underlying problems in society, nor provide a plan for effective implementation of the legislation. The key limitation of these laws is in the reproduction of patriarchal ideologies embedded in them that further subordinate women in the name of upholding the family structure; they are still considered to be partially at fault, i.e. victim blaming, for the injustices that occur against them. More importantly, the amendments made to the rape laws in India were not reflective of the recommendations from the Justice Verma report, which will be described in further detail in subsequent sections. Dube (2014) specifically provides examples showing that society was upset with "the failure of the Criminal Justice Machinery in preventing the atrocity, the lack of sensitivity on the part of the officials in

responding to the situation, the inadequacy of law to respond to rising crimes and most important, a societal frame with utmost apathy and disregard for women, in general.”

Overall, rape has been a persistent problem in India heightened by the systems of economic and social inequality and a lack of effective governmental remedies. It is evident that rape is perpetuated through long-lasting stigmas surrounding the status of women and the dominant patriarchal system in society. Clearly, such a drastic reform is an uphill battle but the purpose of my research is to examine the initial stages of social change, after what appears to be a pivotal event, for clues about how we might identify social change and how it occurs. Through the advancements set in place by political reforms, and heightened social awareness and media attention, it is possible that gender-based violence has been less widely accepted, thus reflecting collective attitudinal change. In my research design, I outline how I have conducted a study to measure this.

Research Design

Since the purpose of this paper is to determine whether or not there are lasting implications of the Delhi rape case and what the response means for the future of India and its women, the inductive research method is followed here in order to infer theoretical concepts and patterns from the observed data. Based on my research and reviewed literature, I expect that while the initial impact of the Nirbhaya rape case was significant for legal advancement, there has not been a significant social change in India in terms of how violence against women is viewed. This expectation is based on the literature by Bhattacharya (2013), Shastri (2013), Dube (2014) and Sharma, Unnikrishnan, & Sharma (2014), who argue that the lack of implementation of and adherence to the Criminal Amendment Act of 2013 and the Committees’ failure to address all the people’s desires in the reformation suggest that there are shortcomings in both the

general public and higher authorities' perceptions regarding violence against women. Moreover, these opinions regarding violence against women are greatly entrenched in the traditions and history of Indian society that has resulted in a patriarchal class system, as Mitra (2000), Ahmed-Ghosh (2004), Dalal & Lindqvist (2012), and Sharma & Gupta (2004) describe.

The two larger constructs that are the focus of this project are violence against women and social change. I examine how one act of violence against women may have contributed to a changing attitude towards violence against women. On the surface, it may have seemed like the response to the case, through increased public attention to the issue, heightened media attention, and passage of legislation, was an indicator of the larger construct of social change in different ways. However, when looking at social change through the lens of changing attitudes towards women, the response to the case can be summarized as a phenomenon that has brought heightened awareness and focus to the issue of violence against women.

Changes in attitudes towards violence against women, as a way to measure social change, are assessed by looking at public opinion polls, newspaper accounts of rapes before and after the Nirbhaya case, increased participation and activism by women's movements, and legal reforms made by the federal government. Using a research design of discourse analysis and secondary source analysis, I performed a mostly qualitative study. The utilization of crime and participation statistics makes the design a bit quantitative in the textual analysis. I expect that there has been an increase in media coverage, specifically in newspapers, of rape cases after the December 2012 attacks, that only inadequate measures which do not address the fundamental problem have been set in place after the passage of the Criminal Law (Amendment) Act of 2013, and that there has been a heightened number of women's movements and campaigns geared toward preventing sexual violence against women in India.

Social Change/Public Opinion

The most appropriate way to assess public opinion of a society is by conducting surveys of the general public to gain first-hand perspectives on pertinent issues. To gauge the collective views in India on the topics of violence against women, attitudes towards women, women's safety, and effectiveness of anti-rape laws, I analyzed responses from polls conducted by newspaper outlets and independent research organizations before and after the Delhi gang rape. While these polls were largely administered in urban areas and do not follow any one specific variable or question over time, they do provide valuable information about how violence against women has been perceived in this decade. Moreover, the reader will notice that less public opinion data is available (at least on the Internet) prior to the Nirbhaya case, implying that more attention has been given to the subject of violence against women after the incident.

Media

First, to measure the media attention given to and coverage of rape cases, I focused on two online Indian newspapers that are published in the English language: the *Hindustan Times* and *The Times of India*, which are accessible through the University of Connecticut's LexisNexis Newspaper subscription. These newspapers are two of the most reputable, famous, and popular newspapers not only in India, but also in the world according to various online polls.

A content analysis of these sources explores how rape cases were covered in certain periods of time before and after the case: between January 1 and June 30, 2010 and between July 1 and December 31, 2014. Because the three-month period immediately after the case was dominated by stories solely about the particular tragedy (see figure 1), I chose these time frames in order to give an appropriate gap of time before and after the Delhi rape to account for any unobservable factors surrounding the case itself. Moreover, this seemed a logical amount of time

to observe any difference in media reporting before and after the case, taking into consideration the availability of electronic versions of newspaper articles.

Using a representative sample of forty to fifty stories from both time intervals, I looked for patterns in adjectives used to describe the victim, the perpetrators, and the crime itself by using the NVivo computer software. The software enabled a query regarding word frequency in the sample of articles from each time period. Based on the indicators studied by Phillips et al. (2015) regarding the media coverage of the Delhi rape case, I utilized their methodology to complete the comparison of rape reportings before and after the Nirbhaya case. They write, “The theme categories were determined a priori, and included: 1) Description of event, 2) Victim’s health condition/medical decisions, 3) Protests as a result of the event, 4) Testimonies (victim, victim’s friends, witnesses, accused or family member), 5) General public’s response to the event (excluding protests)” (Phillips et al. 2015).”

Rao (2014) argues that the Indian television news media’s portrayal and coverage of rape is narrowly focused on sexual violence against middle-class and upper-caste women and avoids violence against lower class women like Dalits.³ My content analysis examines the extent to which the media reports the victim’s economic status, educational background, and physical appearance at the time of the crime has evolved. These keywords constitute some of the “description” indicators seen in the chart in Appendix B.

As for the rapists, I searched for key words and adjectives that seem to shame or condemn their actions (or if the story blames the victim). For the crime itself, I looked at how much detail the story goes into about the facts of the case and whether it seems opinionated about what happened. Finally, I researched if the news source seems to make an action statement

³ Dalit is a designation for a group of people traditionally regarded as untouchable in the Indian caste system.

in the same story, recommending the government to take a stand against violence against women or pushes the public to act. Basically, the search was for certain key words in the categories of description, opinion, and recommendation as indicators of a shift in media portrayal of cases.⁴

Legal Reform and Crime Statistics

To examine the governmental portion of changing attitudes, I explored parliamentary proceedings, political speeches, and police enforcement to see how rape laws have been administered in India and whether politicians have increasingly placed crimes against women on their political agendas as an issue to address after the case. It is appropriate to look at governmental proceedings in India because the country is a democracy and so, the representatives should be addressing and reflecting the concerns of the constituents; accordingly, the collective attitude would be known.

It is not only important to address if the topic of violence against women is even talked about, but also, what seems to be the general consensus or view of the dominant political party on the issue, especially in the light of the recent election. I collected official government statements and reports from appropriate websites, UConn databases, and scholarly literature, in addition to newspaper articles about politicians' views on this particular discussion. For a numerical analysis, I obtained official statistical reports about prosecution rates for crimes against women, and how well the Criminal Law (Amendment) Act, 2013 has been implemented.

Women's Movements

Lastly, I have conducted an analysis of women's movements in India before and after the case happened. One of the major responses to the Nirbhaya rape was the Indian federal

⁴ Refer to Appendix B for chart of categorization of keywords for media analysis.

government's decision to pass the Criminal Law (Amendment) Act, 2013 three months after the case happened. While legislative action was certainly a step in the right direction for social change seeing as federal anti-rape laws had not been amended for nearly one hundred years, it does not necessarily mean the laws were fully and properly implemented or that legal action was the best governmental response to this act of sexual violence. Strong local movements bring home the value of global norms on women's rights and can prove to be more effective than rapid legislation. Women's movements have pushed forward legislation and policymaking to advance the rights of the subordinate gender, and many argue that the same can be done for India following the Nirbhaya case, as well (Weldon & Htun 2013; Katzenstein 1989; Bush 1992).

I studied the major women's movements in India from 2010 onwards through searches for organization websites, governmental reports, scholarly literature, and newspaper mentions. Since movements require more time to develop, I used this starting year to record how many were really focused on the issue of preventing sexual violence against women and if male participation in these causes has changed, if at all. Governmental response to movements and petitions for legislative or political action is paramount to assessing changing attitudes, too. Usually, more attention has been given to the issue of domestic violence, so a measure of changing attitudes towards violence against women would be increased attention to sexual violence, which has been "taboo" to speak publically about in India for years.

Data Analysis

Media: July 1 – December 31, 2014

Using the LexisNexis Newspaper database system, I was able to access newspaper articles for the specific publications, time periods, and keywords I wanted to examine for this paper using the "advanced search" option within the database. For the dates between July 1 and

December 31, 2014, I got 2,578 results back when accounting for duplicates. Running the search for the *Hindustan Times* produced 1,356 with the keyword “rape,” although the articles I have analyzed are solely about the initial reporting of a rape, not of any follow up reports or editorials that may have been included in these counts. Therefore, between just these two newspaper sources, there are approximately 4,000 articles with the keyword “rape” published within the six-month time frame.

After collecting a representative sample of fifty news stories based on a randomization of the articles through LexisNexis from the two newspaper companies combined (twenty-five from the *Hindustan Times* and twenty-five from *The Times of India*), I ran a word frequency query in NVivo to determine the most commonly used words in the collection. Figure 2 is an illustration of a word cloud created by NVivo of the top words found in the 2014 sample.

These words, along with the reports themselves, suggest that police involvement and having rape victims lodge complaints with their local police department were the main points of discussion within the articles. Approximately 90% of the articles of the sample were written after a formal complaint was made with police departments and featured quotes from commissioners and inspectors. Based on the fact that police security was increased and women were encouraged to report cases of rape to law enforcement after the Nirbhaya incident, it is logical that these articles also placed greater emphasis on reporting the background of the case as described in police statements as well as included information on laws that were violated.

In all reports, the name of the victim was not mentioned but her age, marital status, and town of residence were. In addition, with the exception of one case, all of the reports made reference to other rape cases that happened in the vicinity previously, while using words like “chilling,” “shocking,” or “horrific” in order to remind the reader that rape is a persistent

problem in the area and that equally horrendous crimes continue to occur. Many of the cases chosen in the sample also involved minors, which the newspapers suggested was becoming an increasingly problematic issue. One of the newspapers articles went as far as to provide statistics of the number of reported rape cases against minors since 2010, and pointed out that the trend is on the rise (“Man rapes 7-year-old, arrested” 2014). Moreover, another article informed the reader that “A case has been registered at the Civil Lines police station under Protection of Children from Sexual Offenses (POCSO) and IPC [Indian Penal Code] section 376 (rape)” (“Two separate cases...” 2014).

Furthermore, thirty-four of the fifty articles directly quoted people, such as family and friends, involved with the case or described their reactions; thirty-five of the articles went as far as to get statements from the superintendent of police in the district to comment on the facts of the crime. One article clearly was trying to invoke sympathy from the reader, as it included quotes from both the mother and sister-in-law of the victim, who were described as wailing and crying next to the victim’s hospital bed and pitying the fate of their loved one. Interestingly, in all of the reports I read, there were many details about the story leading up the incident, such as where the victim was heading, who she was with, and what she was about to do; this shows how in depth the reporters delved into the story. Although these facts could have been known through the police report, such details were not usually included in newspaper articles prior to the Delhi gang-rape case of 2012, which I will demonstrate shortly.

Although I chose a purely randomized sample, it is tragic to see that the word “gang” was mentioned thirty-six times within the sample, and one of the cases from July 2014 was even described as being “almost reminiscent of the horrific Nirbhaya episode” (“Four drivers rape”). Consequently, while these articles provide an understanding of how journalism contributes to the

telling of rape crimes, it allows us to see that the Nirbhaya case is used as a barometer of the atrocity of rape crimes even a year and a half later. Unfortunately, it also illustrates that the rape and resulting punishment for the perpetrators has not deterred individuals from committing similar types of acts.

Media: January 1 – June 30, 2010

In order to compare the coverage before and after the Nirbhaya incident, I chose fifteen newspaper articles from the *Hindustan Times* and twenty-five from *The Times of India* for a total of forty articles in a representative sample from January 1 – June 30, 2010. When running a search in LexisNexis using the same criteria as described above, I received 183 results for the *Hindustan Times* and 329 for *The Times of India* after accounting for duplicate articles. Just comparing the number of hits, there are significantly less, almost by a multiple of ten, articles written about rape by these two publishers before the incident than in 2014. Therefore, it was not possible to gather fifty articles for this sample because there were not enough articles on initial rape reportings that each referred to a separate case, especially in the *Hindustan Times*. This is a positive indication that the media has given more attention to and increased its reporting of rape cases and any editorials or mentions of rape after the Delhi tragedy.

Figure 3 highlights the most popular words used in the 2010 articles from the two sources. Solely by comparing the two word clouds at first glance, one can discern that the journalistic reporting in 2010 focused more on providing basic facts about rape cases: location of rape/residence of victim and perpetrators, age of victim, name of rapists, and when a complaint was filed with the police department.

As for the elements and details included in the reports, I conclude there is a stark contrast in the way the media reported rape cases before the Delhi case. The first report I read mentioned

the fact that initially, the police refused to lodge a rape case against the accused because they did not believe the victim. Similarly, the majority of the cases I examined stated that medical/DNA tests were done to confirm the victim was raped, as if scientific evidence was the only way to believe a rape was committed. One article went as far as to say that a medical exam was done to confirm the rape but no injuries, marks, or bruises were visible on the victim's body; the tone of the piece was almost skeptical in that the reporter did not believe the victim was actually raped. On the contrary, I observed in the 2014 sample that the reports sounded more sympathetic towards the victim and in no way seemed to doubt the victim's story; moreover, there was never any mention of medical tests being conducted to verify a rape had occurred. Therefore, these reports did not engage in victim blaming or perpetuate a rape culture that shames the victim rather than the perpetrator.

Furthermore, the writing in the compositions in the earlier time period differed significantly from that in the stories of the 2014 sample. There were no adjectives describing the case itself. The articles were straight to point with shorter word counts for each of the articles, and sounded more rigid and distant rather than narrative, descriptive, and engaging as seen in many examples in the more recent sample. One of the stories did not even mention any details about the victim except for her age. The only time these articles mentioned the victim's economic status or social class was if she was a "Dalit" or was of a "lower caste," which almost seems as though the articles were suggesting that such victims deserved to have this crime occur against them.

Additionally, none of the articles quoted a family member or acquaintance of the victim, provided a recommendation or opinion about what charges should be filed, or gave a statement about the rape or violence against women situation at the present time. From this, I gather that

the media at the time was not invested in reporting the matter of violence against women as a critical disaster that needed to be fixed or in a way that humanized the victims since rape would not become an issue of discussion for another year and a half.

In a final comparison between the two samples, it is important to note the difference in article length in the two time periods. The average article length in the 2010 sample was 276 words whereas the average article length in the 2014 sample was 306 words. While this is not a significant difference especially considering the sample size, it is indicative of the fact that stories of rape cases after the Delhi rape case of 2012 certainly have become more detailed and descriptive. In addition, when I searched for certain words in the “text search” query in NVivo, I noticed that the count for those specific words was higher for the 2014 sample than 2010. For example, there seemed to be an increase in rapes against minors since 2010 and indeed, the count of the word “minor” or any of its derivatives was ten in the 2010 sample compared to twenty-seven in the 2014 sample.

More prominently, the word “gang,” which I searched to measure the frequency of gang rapes, appeared three times in the 2010 sample whereas it appeared thirty-six times in the 2014 collection. Even though the sample size is too small to make concrete assumptions, these findings illustrate that one of the reasons why the Nirbhaya case was so appalling is because it was a gang rape; seeing a magnified prevalence, however, in gang rapes as late as last year may suggest that the Nirbhaya case motivated perpetrators to commit “copycat” crimes rather than hinder them from doing such harm. Alternatively, the increased pervasiveness of the words “minor” and “gang” may have resulted in heightened awareness of the depravity of these crimes. Next, I will examine why such crimes continue to occur despite the overhauling legal reforms that were passed in the wake of December 16, 2012.

Legal Reform & Crime Statistics

India's attitudes towards sexual violence against women are as archaic as the Indian Penal Code (IPC) of 1860, which is the substantive criminal law of the country. The provisions of the Indian Penal Code with regard to rape consider only non-consensual vaginal penetration with a penis. Considering the fact that in the case of the Nirbhaya rape, the accused forced an iron rod into the victim's vagina and caused considerable damage to her internal organs that ultimately caused her death, India's primary rape law would have been highly inadequate to deal with such offenses.

Even the Criminal Law Amendment Act of 1983, which was one of the first attempts to amend the laws to include gang rape and custodial rape, could not possibly cover the assault, abuse, and damage done to Nirbhaya. The Criminal Law Amendment Act of 1983 brought about substantial changes in the Indian Penal Code (IPC), Criminal Procedure Code and the Indian Evidence Act. Section 114a of the Indian Evidence Act (IEA) was amended so that if the victim states in court that she did not consent to sexual intercourse, the court shall presume that she did not consent. The definition and scope of the terms "penetration," "corroboration," "consent," and "marital rape" continued to remain grey areas where no substantial changes were made. Thus, the Delhi gang rape was a signal that the irrelevant rape laws direly needed to be revisited and updated.

In the aftermath of the Nirbhaya case, the Indian government appointed a committee headed by the Honorable Justice Verma and issued a notification about this to the public on December 23, 2012. The statement read, "...it has been decided by the Union Government to constitute a Committee of eminent jurists to look into possible amendments of the Criminal Law so as to provide for quicker and enhanced punishment for criminals on account of committing

sexual assault of extreme nature against women” (Talwar 2013, 108). In addition to Justice Verma, who was the former chief justice of India, Justice Leila Seth (former chief justice of Himachal Pradesh), and Gopal Subramaniam (former solicitor general of India) also presided on the committee. The 631-page report consisting of fourteen chapters that consolidated more than 80,000 public responses to the decree includes recommendations on laws related to rape, sexual harassment, trafficking, child sexual abuse, medical examination of victims, and police, electoral and educational reforms.

While the purpose of the Verma Committee was to recommend amendments to India’s Criminal Law, the Justice Usha Mehra Commission was created on December 26, 2012 to “appoint a Commission of Inquiry for the purpose of making an inquiry into the shocking incident of rape and brutal assault of a young woman in New Delhi on 16 December 2012” (Talwar 2013, 128). Justice Usha Mehra, a retired judge of the High Court of Delhi, was the sole member of this committee and finished the report in March 2013. It is interesting to note that the Verma Committee Report was immediately released in full to the public to read whereas information from the Mehra Commission Report initially had only been pieced together from what had been reported in the media and was finally made public in September 2013. Justice Mehra’s proposals for increasing safety for women and repairing the legal system, which so far have not been legally implemented, included:

- 1) Mobile phones with a special button to alert the police of a crime;
- 2) Separation of powers within the police to ensure a fair and quick probe;
- 3) A “one stop center” in one hospital in each zone of the cities to provide comprehensive medical attention to a rape victim;

- 4) Better coordination between the police and the transport department to track illegal public transportation licenses; and
- 5) Lowering the age of juveniles to sixteen (Talwar 2013, 130-131)

The all-encompassing Criminal Law (Amendment) Act 2013, passed as a result of the Verma Committee Report, strengthened anti-rape laws and punishments for sexual violence crimes. Under the new anti-rape laws, the death penalty is provided for in two situations: where the victim is left in a vegetative state and where there is a repeat offense. The word “rape” itself was also amended; to reflect the circumstances of the Nirbhaya crime, a man is now guilty of rape “‘if he inserts, to any extent, any object or a part of the body...into the vagina, urethra or anus of a woman’” (Talwar 2013, 40). Gang rape has become a new offense, the age for statutory rape is now raised to eighteen years old for a woman, and minors, women, and senior citizens are now no longer required to go a police station to report a rape; the police are required to go to their residence to file a report.

Before the introduction of the new law the old section provided that a man guilty of having committed rape could be sentenced to no less than seven years but possibly for life in prison, with the option of judges to reduce the sentence to less than seven years on the basis of a valid reason. Under the new law, there is an escalation of the punishment; judges no longer have the option of decreasing the length of the sentence. However, some legal scholars argue that by removing this option, judges may be inclined to hand over an acquittal if they do not want to punish the accused with a sentence of more than seven years (Talwar 2013, 54). The new law also escalated the punishment for custodial rape, or rape that takes place at a police station, inside a jail, etc., from just a minimum sentence of ten years that may be for life, to a term that cannot be less than ten years and can be extended to imprisonment for life. Therefore, the

difference is that under the previous law, there was a possibility to have a life sentence shortened to a lesser period, but now this possibility no longer exists.

In a demonstration of how Indian society accepted and nurtured a culture of domestic violence, the maximum punishment for marital rape was two years before the new law was enacted. Now, the crime is punishable by at least two years in prison and punishment may extend up to seven years. In addition, other rape related offenses have been legislated such as failure to record a report against rape, refusal to treat a rape victim, and insensitive questioning by counsel. It also called for speedy justice for rape victims, which means a trial for rape cases should be completed within a period of two months from the date of the filing of the charge sheet. Critics argue that this provision is disingenuous, as there is no available judicial manpower to facilitate such quick trials (Talwar 2013, 57). Although all of these aforementioned recommendations to amend and improve India's anti-rape laws seem to be an effective measure to deter criminals from committing violence against women and highlight the strength of India's legislative system, many have argued that the Criminal Law (Amendment) Act 2013 falls short of ensuring safeguards for women in light of the Nirbhaya rape case.

One problem is that there are several recommendations made by the Justice Verma Committee that have not been accepted by the government; it is estimated that approximately ten percent of these recommendations have not yet been implemented (Talwar 2013, 134). What has not been accepted includes the committee's recommendations of criminalizing marital rape, prosecuting members of the armed forces who may have committed crimes against women in "disturbed areas," directions contained in many Supreme Court decisions, and debarring politicians from contesting elections if they have been charged with crimes against women, the latter having been a major topic of contention for legal reformation over the past few decades.

Likewise, the Criminal Law (Amendment) Ordinance 2013, was criticized by the public and women's groups for circumventing vital recommendations regarding "reforms in Constitution, governance, policing and education" and for not recognizing rehabilitation of rape survivors as a state responsibility (Naqvi 2013; Shakil 2013; *The Hindu* 2013).

For the first time, the Act mandates that there be a punishable offense for those police officers who fail to register a First Information Report (FIR) of rape cases brought to their attention. The Act also addresses penalties for other objectionable forms of crime (stalking, touching, sexually colored remarks, voyeurism, human trafficking and acid attacks), awarding a minimum ten-year jail term to the perpetrators and reasonable fine to meet the medical expenses of the victim. However, it remains unclear as to how the perpetrators of offenses like touching, stalking, and sexually-colored remarks would be accused and subsequently prove the assailant as guilty.

Further, as aforementioned, the Act has increased the age of consent to eighteen years, even though the age of consent was sixteen years since 1983. Critics argue that raising the age of consent to eighteen leaves room for error to wrongly prosecute teenagers who below the age of eighteen years as rapists or offenders of sexual assaults simply for kissing, hugging or even having consensual sex with a female counterpart of his age (Bhattacharya, 2013). This is problematic because in order to be perceived as strictly enforcing the new laws, the police may be wrongly and/or purposely arresting minors for a crime they did not actually commit.

While the Committee has made great legislative strides in some areas of crimes against women, the issues that have not been addressed are prohibiting the overarching situation from being improved. India's quick action and timely changes to the criminal law is surely commendable; however, passing a law does not guarantee action. India's court system is

absolutely inundated with cases while also being severely short-staffed for the population of 1.23 billion people. The court system is said to be backlogged for 466 years, working with an average of fourteen judges per one million people. As *The Guardian* reported, of the 706 rape cases filed in New Delhi in 2012, only one ended in conviction: Nirbhaya's. Also, while the Indian Finance Commission decided to re-fund the fast-track court system until March 2015 to prosecute the Delhi gang rape defendants,⁵ only half of the fast-track courts set up in 2000 are still functional as of August 2014 due to their ineffectiveness and a lack of funds (Rukmini S. 2014).

As aforementioned in the introduction, crimes against women continue to rise. The number of rapes reported by the NCRB in India increased from 24,923 in 2012 to 33,707 in 2013 (2014 NCRB data will not be released until June 2015). Compared to other serious crimes like robbery, murder, kidnapping, the rise in the number of rape cases is more dramatic and concerning. What is more, the situation in Delhi, the city with the most sexual violence prevalence and where the Nirbhaya case occurred, has not improved despite the legal reforms. According to 2012 statistics, New Delhi has the highest number of rape reports among Indian cities. Based on a recent compilation of data by Delhi police, 616 rapes and 1,336 molestation cases were registered between January 1 and April 30, 2014, which is a thirty-six percent increase compared to the previous year.

To improve security in public transportation in the city, which became a huge concern due to the fact that the main perpetrator in the Delhi gang rape acted on the pretext that he was a

⁵ The six accused were arrested and charged with sexual assault and murder. One of the accused, Ram Singh, died in police custody in March 2013. On September 10, 2013, the four remaining adult defendants were found guilty of rape and murder and three days later, were sentenced to death by hanging. The juvenile was convicted of rape and murder and given the maximum sentence of three years' imprisonment in a reform facility; he will be released in December 2015. In March 2014, the Delhi High Court upheld the guilty verdict and the death sentences in the appeal, but the four adult perpetrators have appealed this decision to the Supreme Court.

certified bus driver, various safety measures have been implemented using the Nirbhaya Fund established by the federal government. With a view to curbing complaints of harassment from female commuters, the Delhi government had just a couple of months before the December 16 gang rape case started a Ladies' Special DTC bus service, or buses that only women can ride on, on eleven routes. Though the service was subsequently expanded to cover 26 routes, most women commuters insisted they seldom found these buses on the roads, according to an investigation conducted by *The Hindu* in March 2014 (Zaman 2014). Therefore, while certain precautionary measures were starting to be implemented prior to 2012, it was not until tragedy struck that governments truly understood the nature of safety concerns in public transportation.

As of December 2014, GPS tracking systems have been installed in 6,321 Delhi Transportation Corporation (DTC) buses, 45,000 autos, and 5,549 chartered buses, but the actual number of public transportation vehicles in Delhi is far greater. Additionally, over 200,000 public service vehicle (PSV) badges have been issued, but only 3,000 auto and taxi owners' addresses have been sent for verification to law enforcement (Phukan 2014). In fact, after the Nirbhaya case, the only measures that have been successful to a certain extent are the DTC's night service system, which increased its capacity from 42 to 85 buses. Overall, governmental institutions have taken steps, albeit small, in the right direction to change rape culture in India, but it will require a collective consensus by the Indian public to adhere to these legal revisions and domestic programs in order to achieve social change.

Women's Movements

As soon as word of the Nirbhaya case reached public attention, an outpouring of individuals, most of whom had never engaged in civic participation, exhibited their outrage over the epidemic of violence against women in the country, while autonomous women's

organizations also decided to put the issue of sexual violence at the forefront of their agendas. However, this was not the first time women's movements placed such a strong emphasis on women's rights in India; such a phenomenon has said to have begun in the 1970s. During this period, governmental concern over women's declining status and its impact on national development culminated in a 1974 report by the National Commission on the Status of Women. The commission's hearings galvanized urban middle-class and professional women to organize autonomous women's organizations that decided to take action on their own rather than appeal for their causes through political avenues. One of these was a collective that began publishing the feminist magazine *Manushi* in 1979, which focused on highlighting cases of dowry beatings and murders and encouraged victims to bring their cases to their respective ministers in Parliament, often to no avail (Bush 1992).

Kapur and Cossman (1996) argue that the Indian women's movements' focus on rape as a legal reform issue emerged primarily through cases of custodial rape in the late 1970s. Two prominent cases galvanized the movement towards national campaigns demanding legal reform: the custodial rape of Rameeza Bee, a young Muslim woman in 1978 (Kannabiran 2010), and that of Mathura, a young tribal woman in 1980 (Kapur and Cossman 1996). In both these landmark cases, the emphasis in the trials was not on evidence of rape but rather the victim's sexual history and their characterization as promiscuous, leading to the acquittal of the police officers charged (Kannabiran and Menon 2007).

Feminists gradually grew disillusioned by the role of law reform in combating violence against women, for they saw a disconnection between enactment of new laws and their implementation. This disillusionment did cause a shift in how women's organizations chose to engage with law. Instead of focusing on demanding law reform, some organizations focused on

taking up individual women's cases in courts, while others focused on the lack of institutional support for women and created women's centers to provide women with legal assistance, health services and counseling (Kapur and Cossman 1996). Ganguly (2007) argues that while feminists have continued to look at the state with scrutiny for their role in perpetuating women's oppression, they nevertheless maintain their engagement with the state for legislative reforms. Such was the case after the Nirbhaya rape; women's rights organizations knew they had to set the path for others to follow and petition the government for overhauling legal change.

Surprisingly, the demonstrations and protests following the rape were largely composed of men, signaling that there indeed may be a shift in dominant attitudes towards violence against women in such a patriarchal society defined by Indian masculinity. Ritupurnah Borah, a feminist queer activist who helped organize the Citizen's Collective Against Sexual Assault stated at the time, "I'm really happy about men protesting. But recently, because men's voices are more audible, they take over many of the protests ... We've been requesting the men to stop sloganeering and let the women slogan, but it's not happening. They say, 'Oh come, we're coming out and helping you'" (Uptown 2012).

On the other hand, men were not completely supportive of the campaign for change, and even perpetuated victim blaming and rape culture during the demonstrations. Borah further stated her group recognized several men among the protesters who had attacked members of her collective with misogynistic threats. "They told us we had no right to protest there, and if we wear indecent clothes, they will molest us" (Uptown 2012). Although the presence of these men further created a hostile atmosphere for women during the protests where they were subjected to groping and ogling by the men, there were instances of genuine solidarity as demonstrated by the "Skirt the Issue" campaign in Bangalore in January 2013, which saw twenty-five men wearing

skirts with more than 200 supporters present to raise awareness that the choice of clothing could not be a justification for rape (Boocock 2013).

The discourse on women's bodily integrity and dignity continued to be propagated in public spaces as well as in private homes. The emerging voices from the general public reflected changing ideologies that violence against women is as much of a men's issue as it is a women's, as evident from a demonstrative poster which said, "Don't tell your daughter not to go out, tell your son to behave properly." The shifting ideologies were also reflected in the motto "Don't get raped," which was revolutionized to "Do not rape" to place the emphasis on men's actions instead of women's. The other slogans raised were, "*Mahilaein mange azadi, sadak pe chalne ki, raat mein nikalne ki, kuch bhi pehenne ki*" ("Women demand freedom, to walk on the streets, to go out at night, to wear anything they like") (Al Adawy 2014).

Many slogans were based on the principle that a woman's dress, mobility, or her disposition had nothing to do with getting raped. There were posters and placards that carried the slogans "Don't teach us how to dress, teach men not to rape," "My voice is higher than my skirt," and "Your gaze is the problem so why should I cover myself up?" (Al Adawy 2014). The protests therefore raised larger questions relating to sexual violence and discrimination against women.

The electronic and digital media platform also provided a space to express concerns regarding rape, and constituted a movement within itself in the months following the Nirbhaya incident. Social media sites like Facebook and the mobile messaging app WhatsApp were used to articulate anguish about the brutal gang rape. A black dot was publicly used to symbolize shame and as an image of pain, injustice, anger and helplessness. Online petitions were signed to demand justice in the case. A little over a year later, a "Womanifesto" put forward by several

women's organizations called for all political parties to agree to a common minimum program to improve women's safety in Delhi and across the country. In fact, during the general election campaign of 2014, every major political party pledged to commit to women's security issues, though it is a different issue altogether that none of these parties nominated women candidates in the election.

On March 8, 2014, International Women's Day, some civilians, women's rights activists, and members of the autonomous women's movement across the country released the "Womanifesto," a plan to improve education, safety and equality for women, for the 2014 Indian elections that began on April 7. The founders of the Womanifesto include economist and Padma Bhushan awardee (India's third-highest civilian award) Devaki Jain, Supreme Court Advocate Karuna Nundy, Kamla Bhasin of Sangat South Asia, Suneeta Dhar of Jagori (a feminist women's organization), and others (Ghosh 2014). The global advocacy organization Avaaz, with over 860,000 members in India, also supported the Womanifesto through an online campaign where citizens directly asked political parties to commit to the Womanifesto.

The Womanifesto set out a clear agenda for change in six areas:

- 1) Educate for equality: comprehensive, well-funded and long-term public education programs to transform the culture of patriarchy and gender-based discrimination;
- 2) Make laws count: get each government agency to produce a detailed and funded action plan to end violence against women and increase the number of judges to 40 per one million citizens;
- 3) Put women in power: ensure political empowerment of women by approving the Women's Reservation Bill in the Lok Sabha (lower house of India's bicameral parliament);

4) Police for the people: change service rules to recruit, promote and penalize police and prosecutors based on gender metrics

5) Swift, certain justice: improve the laws to end violence and discrimination against women and sexual minorities; and

6) Economic flourishing: ensure dignified and secure employment for women, with equal pay for equal work (Ghosh 2014).

The effects of the Womanifesto have been limited and exemplify how dominant political parties continue to place women's issues on the backburner of their respective agendas. As of August 2014, the anti-corruption Aam Aadmi Party was the only party to have incorporated the Womanifesto into its political agenda. Prime Minister Narendra Modi's Bharatiya Janata Party (BJP) not only refused to sign and adhere to the Womanifesto, but also, until his Independence Day speech last year, had not taken any particular political stance on women's rights. This is especially concerning for many feminist organizations given that Modi is believed to have been complicit in the 2002 state-ordered mass murders in Gujarat, when over 800 women were also raped. They argue that if these attacks occurred under Modi's rule, there is no guarantee of rights or advancements for women under his leadership in the federal government ("Boys will be boys..." 2014).

Even though women's movements have not been successful in implementing significant political change thus far, there are many organizations that have attempted to create social change on their own by encouraging men to support the campaign against violence against women and empowering women to stand up for their rights. An example of such civil action is seen in Lucknow; a vigilante group called the Red Brigade confronts males who have committed acts of sexual harassment and assault. Members of the Brigade have endured an act of sexual

violence, sometimes by one of their family members. A teacher named Usha Vishwakarma, who discovered that her 11-year-old student had been raped by her uncle, started this organization in 2010 to empower women to stand up to their assailants. Its popularity exploded after the Nirbhaya rape, and now has over 300 members in various cities across the country who want to take the matter of violence against women literally in their own hands (Nelson 2013).

Common citizens were not the only ones to initiate movements and organizations after the Nirbhaya rape. In 2013, renowned Bollywood actor and director Farhan Akhtar formed the movement called MARD, Men Against Rape and Discrimination. MARD, which a word that literally means “men” in Hindi, teaches men about respect and gender equality, which Akhtar believes is the character of a true “man.” He has set out a plan of action with Magic Bus, an established NGO in India, that utilizes sports to engage children from poorer communities, and to teach values such as the importance of education, health and gender equality. Over 10,000 youth leaders from around the country have been recruited to deliver Magic Bus and MARD’s programs (Mathias 2013).

The subject of both an award-winning documentary and a Bollywood film, the Gulabi Gang is another organization for women, by women that has gained momentum after the Delhi gang rape case. Although Sampat Devi established it in 2006 and it does not solely focus on rape crimes, the organization received national and international attention when it exponentially grew in size due to the tragedy. The movement’s purpose is to combat domestic violence, protect disenfranchised victims, and punish oppressive husbands, fathers, and brothers. Similar to the Red Brigade, Devi’s model of delivering alternative justice by literally taking the issue into one’s own hands to physically punish perpetrators inspired a movement that now boasts of a network of 400,000 women, all of whom dress in pink saris and wield a stick, across eleven districts of

India's largest province of Uttar Pradesh. Its efforts have been rewarding; the state authorities have even recognized the Gang as a legitimate entity. "The Gulabi Gang has created such a force of women's rights and awakening that it has brought a new desire to fight against women's exploitation," acknowledged Arvind Sen, the superintendent of police of Uttar Pradesh's Banda district, in an interview conducted by *Al Jazeera* (Desai 2014). Consequently, it is evident that women's movements have the ability to transform societal attitudes in a gradual and methodological, yet perhaps extra-legal, manner when governmental initiatives fail to intervene and prove to be useful.

Public Opinion

What was novel about Nirbhaya's case was the nationwide, as well as international, attention it received in the new age of social media, compelling politicians and civil society alike to deliberate over a previously underreported issue. As protests from the civil society gained momentum after the incident, a number of controversial and derogatory remarks made by high-ranking officials and politicians convinced the public that a deeper interrogation of social norms and existing attitudes was required. Former Prime Minister Manmohan Singh's *theek hai* ("it is okay") comment in response to the Nirbhaya rape elicited deep criticism from the public for trivializing the issue. Andhra Pradesh Congress president Botsa Satyanarayana evoked fury in the people after describing the Delhi gang rape as a "small incident," and saying that women should not go out during late hours. Meanwhile, Congress MP (member of parliament) Abhijit Mukherjee also caused outrage with his derogatory reference to female protestors in Delhi. "They are dented and painted women chasing two minutes on fame, giving interviews on TV," Mukherjee told a news channel in Kolkata shortly after the incident (Al Adawy 2014).

Mukherjee's comments were slammed by many fellow MPs, disowned by his sister and later apologized for by Mukherjee himself, but not before the Shiv Sena, an extremist Hindu party, supported his statement, saying that he had merely said what most Indian men were thinking anyway, only his timing had been wrong. Other examples of victim blaming remarks are of the leader of a caste panchayat in Haryana who declared that most rapes were fabricated anyway; the elected Rajasthani member of the BJP party who called for a ban on skirts as a part of school uniforms as it attracted "sharp and dirty glances and lewd comments"; and the opinion expressed by Khushwant Singh, one of India's leading writers, that rape had to be understood as the inability by men to control their libido so that they took their lust out on unwilling women (Kabeer 2015).

It is not only men who have subscribed to these misogynistic views; women too, many of them in elected office, have also expressed them. According to Mamata Banerjee, Chief Minister of West Bengal, "rapes are happening because men and women are interacting too freely." Regarding a woman who accepted a ride home from a pub in Calcutta and was then raped at gunpoint by five men, Kakoli Ghosh Dastidar, party leader in West Bengal, said, "That was not a rape; that was a deal gone wrong." Sheila Dixit, now Chief Minister of Delhi, once said that a female journalist who was murdered in Delhi should not have been so "adventurous" as to be out alone at night (Kabeer 2015). If these political leaders were representatives of the people, why were people suddenly so furious at their remarks? Below, I examine the difference in prevailing attitudes towards women and violence against women before and after the Delhi gang rape.

While attitudes towards domestic violence may not directly mirror attitudes towards rape and sexual assault, I have established above that the reasons why men commit such crimes are

similar and represent a culture of male dominance and female submission. Figure 4 is a graph that shows a breakdown of the percentage of respondents, both men and women, who agree with various reasons that would make wife beating acceptable. Shockingly, more women than men in each category approved with the reason for wife beating, thus suggesting that women in India not only live in male-dominated, violent culture but had accepted it, as well. Therefore, this can reflect the predominant attitude towards violence against women at the time in that such a phenomenon was considered to be normal if a woman did not obey the traditional gender roles and norms established by society.

The adherence to traditional gender roles by Indian citizens can also be seen in a cross-national survey conducted by the Pew Research Center's Global Attitudes Project in April/May 2010, which depicted how a pronounced gap exists between a belief in the equality of the sexes in countries around the world, and especially in India. Forty to forty-nine percent of respondents stated that men in India had a better quality of life than women. Moreover, more than half of Indian respondents said that university education is more important for a boy, and that if jobs are scarce, they should go to men first. "In India, at least eighty percent of those surveyed said men still got more opportunities than women for jobs that pay well, even when woman were as qualified" (Pew Research Center 2010). Accordingly, the general attitude towards women as members of a gender who do not necessarily have to be educated or employed translates into the way men treat them and allow violence against them to happen.

In an interesting juxtaposition of beliefs, a majority of women still believe they are treated with respect even though they are maltreated (see figure 5). As a country, however, India has lost ground on this issue -- in 2011, sixty-eight percent believed women were treated with respect, compared to fifty-seven percent in 2013 (Pew Research Center 2013). Correspondingly,

this declining trend in those who believe that women are treated with respect and the increasing trend in those who think women are not treated with dignity indicate that society is becoming increasingly aware of the degrading attitude towards women and recognize that there are rights women should have, but they have been deprived of them over the course of history.

Conversely, it is apparent that Indian citizens are yearning for change in the prevalence of violence against women and are striving to create gender equality, although the conditions themselves are said to not have improved dramatically. A poll published by the *Hindustan Times* on the second anniversary of the Delhi gang rape said ninety percent of 2,557 women surveyed did not see any improvements in safety. The same survey found eighty-six percent of respondents avoided going out alone after dark, a result of the preexisting rape culture and the belief that it should be women who should be taking precautions, not men (Reuters 2014).

A national poll conducted by the Pew Research Center between December 7, 2013, and January 12, 2014 shows that nine out of ten Indians agreed that the crime of rape is a “very big problem” in the country. Furthermore, roughly eight in ten (eighty-two percent) said the problem is growing. Despite the fact that four of the men convicted in the infamous Delhi case were given the death penalty, nearly three in four Indians (seventy-four percent) said that the laws in the country are too lenient in punishing cases of rape. About as many (seventy-eight percent) fault the country’s police for not being strict enough in investigating such cases (Pew Research Center 2014). Therefore, while most of society agrees that violence against women is a major problem and suggests that there is a shift in attitude, the fact that much of the blame is placed on the government and law enforcement implies that society does not see itself as the problem.

In April 2014, days before the Indian general election, a Marketing and Development Research Associates (MDRA)/Avaaz poll revealed that ninety-one percent of Indian voters wanted the new government to prioritize ending violence against women, and eighty-five percent were more likely to vote for a politician who committed to specific policies to stop violence against women, as set out in the “Womanifesto” described above. More specifically, ninety-four percent were in favor of the new Indian government launching a public education campaign to tackle the causes of violence against women, ninety-nine percent were concerned about the level of violence faced by women in India, and more than one in two women in India felt unsafe. Eighty-seven percent of participants were concerned about discrimination against women in India, while seventy-five percent thought that the electoral promises made by politicians to tackle problems faced by women so far were inadequate. Finally, ninety-one percent saw violence against women as a priority in the then-upcoming Lok Sabha elections, with respondents ranking violence against women their number two priority after corruption and ahead of employment, cost of food, poverty, electricity bills, education, pollution and water (Ghosh 2014).

Conclusion

It took a horribly tragic gang rape on a normal evening in December 2012 to awaken the largest democracy in the world from its oblivion about one of the greatest human rights issues of our time. Based on my findings, it is apparent that this awakening has not yet caused a collective attitudinal change in Indian society and that violence against women continues to persist. However, there are still positive outcomes of the various responses to the Delhi gang rape case, including: the media’s increasingly detailed reporting of rape cases, the government’s swift passage of overhauling legislative reforms, the greater emphasis by women’s movements on combatting sexual violence, and the public’s recognition of violence against women as a major

concern in society. Looking at these responses, it is evident a new positive norm, as Bicchieri & Mercier (2014) suggested, that condemns violence against women has begun to emerge among many Indian individuals. I have discovered that while traditional gender expectations endure, the issues of violence against women and rape have become more salient since the Nirbhaya case. Even though sweeping social change has not yet happened, the increased focus and awareness of this concern is the first step in this direction.

While Indians still may be following traditional gender attitudes, the media has certainly improved its quality of reporting rape cases since the Delhi rape case. The reader of this paper has seen that stories about rape in major newspaper outlets have become longer and more detailed, including descriptions of the victims' background and families, and reminders that harken back to the Nirbhaya case if it was an especially gruesome tragedy. Some reports in the 2014 sample went as far as to include crime statistics and information about the specific laws that were broken in the process of committing the crime, reminding readers that there are consequences to their actions. Conversely, stories from the 2010 sample demonstrated that there were signs of victim blaming, and none of the articles incorporated details about the victims' friends and family, or provided descriptions of what charges were filed. Accordingly, I conclude that the media at the time was not invested in reporting such violent crimes in a manner that would ignite the public to create change or recognize the pervasiveness of the issue.

However, these post-Nirbhaya reports also depict a troubling trend: the frequency of cases involving gang rapes or minors is likely to have increased since more reports are being written about them. Consequently, although the media may continue to press more attention towards crimes against women, the increase in the number of gang rapes and incidents involving minors suggests that the media has not been able to act like a deterrent to prevent individuals

from committing such crimes nor has it successfully influenced government officials and politicians. More specifically, these figures of higher authority continue to make offensive accusations about victims despite increased media attention and rapid distribution of news. So, it is no surprise they have failed to implement effective legislation that addresses the nuances of the word “rape” or that repels criminals from executing such crimes.

It was certainly a pleasant surprise that the Indian government expeditiously passed federal legislation that broadened the scope of sexual assault crimes and implemented harsher penalties for such violations of the law. The definition of rape was expanded, gang rape became a criminal offense, the age for statutory rape was raised to eighteen years old for a woman, and minors, women, and senior citizens do not have to travel to a police station to report a rape; the police are required to go to their residence to file a statement. These are just few of the many changes to the penal code that occurred in the 2013; nevertheless, this law fails to address many other forms of harassment and violent crimes and has not been properly implemented, as seen by the increase in crime rates since its enactment.

I conclude that one of the main actors, the Indian government, has stalled social change in terms of preventing additional crimes and due to the maintenance of traditional misogynistic views in the upper echelons of its political parties. It has not fully responded to the needs of the electorate, as seen by its inability to fully incorporate all suggestions into the amended anti-rape laws and its failure to hand down justice to perpetrators due to the backlogged judicial system. Therefore, even though individual attitudes can change, to achieve collective attitudinal change, it is more important to transform community customs through a top-down policy that enforces the idea that violence against women cannot be tolerated in society.

Women's movements have increased their focus on the issue of sexual violence rather than advocating more for economic and political equality. These movements have been legitimized through support by some politicians and esteemed celebrities, causing an increased number of citizens of all ages and both sexes to join such causes. Nonetheless, the participants in these organizations at the local level have frequently resorted to using violence to combat violence, an extralegal technique that has often proved ineffective multiple times in history. With a more organized platform that strives to advocate for women's rights through political campaigning and as well as provide resources for those who have suffered from sexual assault, I conclude that women's movements can play an integral role in creating social change in India.

Scholars have established that there is a concrete relationship between prevailing social attitudes and social change, that traditional gender-role attitudes lead to a greater acceptance of gender-based violence. When one acknowledges that there is recognition of violence against women in a society, that means an overall tolerance of violence exists, as well. Public opinion polls demonstrate that basic traditional attitudes and gender roles still persist among a large portion of the population. The matter of violence against women in India is a tremendous blemish on Indian society, and its citizens are increasingly becoming aware of the fact that something needs to be done about the problem (Dube 2014; Narrain 2013; Bhattacharya 2013). They wish that the government would act more effectively to remedy the situation of gender-based violence in the country.

Notwithstanding the acceptance of the problem and desire for change, the notion that the common citizens feel that the government is obligated to take action and has not provided appropriate deterrent methods to halt rape from occurring is a huge problem in itself. This suggests that while many people today are convinced that violence against women is a crisis in

the nation, they are not actually doing anything to stop such crimes from happening, as seen by the increasing incidents of rape cases since Nirbhaya's. Rather, the public is hoping that the government will find a solution, but any solution is deemed inadequate and hypocritical, especially from those politicians who indulge in victim blaming and simply place violence against women on their platform to receive votes.

If the public demands change from higher authorities, such a transformation can happen through two avenues. One solution is holding politicians accountable for fulfilling their campaign agendas of assertively tackling the issue of violence against women. In a government whose officials are elected to be representatives of the people, these leaders need to set the tone and path for their constituents. Secondly, nationwide educational reforms in India need to be implemented that mandate females go to school through high school and that sex education and/or gender studies be required components of the middle school and high school curricula. Such policies would assist in ensuring that students learn about gender roles, sexual assault prevention, and relationships; additionally, equal access to education would result in greater economic opportunities for women, which would consequently aid to reducing the rate of violence committed against them.

The prevalence of violence against women in India is not a phenomenon isolated within this country, but the manner in which various agents in Indian society have dealt with the issue is unique. Facing a history of submissiveness and heteropatriarchy, women have continued to be oppressed by the traditional gender norms and patriarchal societal system. Jyoti Singh's death started a new chapter in the history of India's treatment of her women, and her struggles have not been futile.

Afterword

Since the writing of the last draft of this paper, there has been an interesting development in the lasting impact the Nirbhaya rape case has had on the Indian populace. In March 2015, BBC as a part of its ongoing Storyville series released a documentary titled *India's Daughter*. This one-hour film, which was directed, produced, and written by Leslee Udwin, is entirely about the 2012 Delhi gang rape case; more specifically, it largely comprises of eye-opening, and sometimes shocking, interviews with the perpetrators, their families, Nirbhaya's family and friends, government officials, and NGO leaders.

Unsurprisingly, the film and its content have caused a massive controversy in India and around the world. *India's Daughter* was scheduled to be broadcasted on TV on March 8, International Women's Day, but news leaked earlier in the month that the documentary contained disturbing footage of an interview with Mukesh Singh, one of the rapists. This prompted the Indian government to block the broadcast, but it was still shown in the UK on March 4 and uploaded to YouTube on the same day. Once again, the Indian government directed YouTube to block the video in India, and since then, BBC has completely taken the video off of this website. However, the film has found its way through various social media outlets and its message continues to be debated by activists, politicians, and sexual abuse survivors around the world.

Why was an important film that retells the story of such a horrible, yet inspiring, tragedy been banned in the one country that needs its population to see it the most? The answer lies in the fact that central to *India's Daughter* is an interview in Tihar jail, Delhi with Mukesh Singh, the driver of the bus in the Delhi gang rape. His comments regarding the case and the act of rape itself explicitly reflect the traditional misogynistic views inherent in Indian society along with

the practice of victim blaming. At one point he stated, “You can’t clap with one hand – it takes two hands. A decent girl won’t roam around at night. A girl is more responsible for rape than a boy...about 20% of girls are good.” In an explanation of why he and his fellow rapists caused so much other physical harm to Nirbhaya, Singh said, “She should just be silent and allow the rape. Then they would have dropped her off after ‘doing her’ and only hit the boy.” This is appalling considering he and three of his accomplices are on death row, and yet, he has not exhibited remorse for what he did.

Shockingly, other men featured in the film, including lawyers, mirror these views or exemplify how there is a stigma around rape culture. “We have the best culture. In our culture, there is no place for a woman,” affirmed ML Sharma, defense lawyer for the men convicted of Jyoti Singh’s rape and murder. A second defense lawyer, AP Singh, admitted that if his daughter or sister “engaged in pre-marital activities...in front of my entire family, I would put petrol on her and set her alight.” Raj Kumar, the patrolman who found the victim and her male friend lying naked on the side of the road after the incident, said that despite his repeated pleas for help, no one stopped to help him get the couple to the hospital even though around thirty-five people passed by the area. Such harrowing statements, especially by individuals who are supposed to promote justice, and lack of action by bystanders reaffirm the notion that collective attitudinal change regarding violence against women has not occurred across all levels in society.

The Indian government has almost seemed to accept this backward thinking by hindering individuals from learning about the facts of the case and about the rape crisis in India. A statement from the Home Minister’s office cited, among other reasons, that clips from the film “appear to encourage and incite violence against women.” Other politicians claimed *India’s Daughter* is “an attempt to defame India” and an “international conspiracy” (Bawa 2015). Not

only is this troubling because it violates the very basic freedom of free speech in the world's largest democracy, but also because it reiterates the unfortunate fact that the government is not doing enough to address the matter.

After the December 2012 attack on Jyoti Singh, rape became a topic of daily conversation in India, which was a reassuring sign that there was increased awareness about the issue. This spoke well of Indians — it was a conversation most people needed to have due to reverse the patriarchal, sexist, and troubling views on women, men and gender roles, and to eradicate the culture of modesty and shame for women. “India’s Daughter” is forcing that conversation again, and that can only be positive. Let us hope that India has not taken a step backwards in its effort of combating the widespread problem of violence against women in its borders.

Source: Bhushan 2012, citing International Institute for Population Sciences (IIPS) 2005-2006

Figure 5. Graph of percentage of respondents who believe women in India are treated with respect from 2011-2013

Indians' Views on Respect for Women in India

Do you believe women in India are treated with respect and dignity, or not?

■ % Yes ■ % No



Gallup World Poll

GALLUP®

Source: Gallup World Poll 2013

Appendix A: Chronology of Delhi Rape

December 16, 2012	Gang rape. 23-year-old physiotherapy student is gang raped on a moving bus in South Delhi.
December 17, 2012	First four accused arrested.
December 18, 2012	Protest outside Vasant Vihar police station.
December 19, 2012	Male victim testifies in court.
December 19, 2012	Protest at India Gate and North Block.
December 20, 2012	Two confess to crime.
December 20, 2012	Students protest outside Delhi Chief Minister Sheila Dikshit's residence.
December 21, 2012	Sixth Accused Arrested.
December 21, 2012	Protest at Rashtrapati Bhawan. ⁶
December 22, 2012	Protest at India Gate and Raisina Hill.
December 23, 2012	Protests continue at India Gate – Constable Subhash Tomar of Delhi Police seriously injured.
December 23, 2012	Ride for Law & Order at India Gate.
December 25, 2012	Constable Subhash Tomar succumbs to injuries.
December 26, 2012	Protest at Jantar Mantar. ⁷
December 29, 2012	Victim dies; accused are charged with murder.
December 30, 2012	Protest at Jantar Mantar.
January 3, 2013	Delhi Police filed charge sheet in Magisterial Court.
January 5, 2013	Magisterial Court takes cognizance charge sheet.
January 9, 2013	Gag Order prohibiting media from reporting on court proceedings.
January 17, 2013	Case Committed to fast track court.
January 23, 2013	Verma Committee Report released.
January 24, 2013	Arguments begin.
February 2, 2013	Accused plead Not Guilty.
February 3, 2013	Ordinance promulgated by President Pranab Mukherjee.
February 5, 2013	Trial begins.
March 5, 2013	Police testify in Court.
March 11, 2013	Ram Singh found dead in jail cell.
March 15, 2013	Accused charged with robbery.
March 25, 2013	Media's Gag removed – allowed in court proceedings, though some international journalists barred.
April 2, 2013	Ordinance, which was replaced by the Criminal Law (Amendment) Bill, 2013 in March, receives presidential assent.
April 21, 2013	Protests over 5-year-old Gudiya who was raped.
May 6, 2013	Vinay Sharma taken to hospital, suspect he was poisoned in jail.
September 10, 2013	Four men found guilty.
September 13, 2013	Four men sentenced to death.

⁶ Official home of the President of India.

⁷ Astronomy observatory that contains thirteen architectural astronomy instruments.

Appendix B: Keywords for Newspaper Content Analysis

Description		Opinion	Recommendation
<i>Victim(s)</i>	<ul style="list-style-type: none"> • <u>Social class</u>: upper-class, middle-class, lower-class, economically disadvantaged, poor, working class, Dalit, etc. • <u>Religion</u>: Kshatriya, Brahmin, Muslim, Hindu, etc. • <u>Education level</u>: college graduate, student, educated, uneducated, respectable, studious, etc. • <u>Physical appearance</u>: modest, stylish, sophisticated, modern, sexy, Western, innocent, traditional, good-looking, young, vulnerable, description of injuries, etc. • Name? Marital status? Age? Occupation? • Background of family? – siblings, parents' jobs, residence, etc. • Quotes from family/friends? 	<ul style="list-style-type: none"> • Does the story report/blame the victim or the rapists? • Is there a commentary on the way victim acted/talked/dressed? • Are there any opinions of what charges should be filed? • Any views on why rapist committed crime? • View of what sentence should be given to rapists? • Opinion given about the case in general or what it says about society? 	<ul style="list-style-type: none"> • Does the story/report give a recommendation to prevent future crimes? • Does it tell people or government how to respond in a certain way? • Does it recommend a prison sentence or criminal charge?
<i>Rapist(s)</i>	<ul style="list-style-type: none"> • Same descriptive factors as above + • <u>Actions</u>: gruesome, despicable, disgusting, loathsome, forceful, unintelligent, criminal, etc. • Any previous criminal record? • Quotes from family/friends? 		

<i>Case</i>	<ul style="list-style-type: none"> • <u>Nature of crime:</u> gruesome, despicable, disgusting, loathsome, unintelligent, chilling, criminal, unthinkable, horrific, etc. • Date/place/time • How detailed is the case? Word count? • Strong action words? • Provides treatment or post-incident details? 		
<i>Police/governmental Response</i>	<ul style="list-style-type: none"> • <u>Response time:</u> quick, swift, timely, slow, etc. • <u>Charges:</u> appropriate, lenient, harsh, effective, retributive, deterring, easy, stern, severe, etc. • Quotes from police/politicians? 		

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